

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, October 3, 2011

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mr. Richard E. Zimmerman, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **The Deli** – Ms. Vahle stated there was a request from this establishment to hold their license until a sale of the business was completed. Mr. Zimmerman wanted to discuss this with the Board.

MOTION ONE: Mr. Zimmerman made a motion to approve this request.

Motion was not seconded.

MOTION TWO: Mr. Cline made a motion to deny this request and to allow The Deli to surrender their license and to notify the applicant to apply for the Beer and Light Wine license.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. McClellan – Aye
Mr. Zimmerman – Nay

The vote was ***Aye – 2 Nay – 1***
(Motion Passed)

2. **Historical Society** – Ms. Vahle stated that she was passing by the Barber Shop and noticed a sign advertising “The Creek Speaks

Gala”, which included an open bar for part of the event and a cash bar for another part of the event. This was held on the September 23, 2011 and they did not get a license. She spoke to the Executive Director at the Historical Society and she stated she did not think they needed a liquor license because they were not selling alcohol. However this is not their first event and Ms. Vahle advised her that this was a criminal offense and that can be a Felony. The Board suggested that Ms. Vahle counsel the Historical Society when they apply for a Special Liquor license application.

3. **Interviews** – Ms. Vahle stated that she and Mr. Zimmerman had interviewed six applicants and will discuss the results today to decide who they will offer the position to.
4. **DJ Liquors** – The Liquor Inspector stated that this establishment had been closed for 10 days and that he knows the licensee has some health issues but there should be some documentation to be submitted. Also Mick’s American Bistro was also closed.
5. Decision Required: Violation

RE: Donald Grant, Wayne Kaikko &
Michael Stumbaugh
for the use of Loyal Order of
the Moose, Inc
t/a Frederick Moose #371
828 E. Patrick Street
Frederick, Maryland 21701
Class C, On Sale, Beer, Wine &
Liquor
License Number 11CL 1179
FCLB Case Number: 5187

The Board held a violation hearing on a charge that the licensees failed to file their application for renewal by March 31, 2011 and was filed 25 days late. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Not Guilty. Mike Stumbaugh stated that the Officers for the Moose were removed and that there was a need for a special election to take place before the renewal application could be filed as a Governor was not in place per the liquor regulations. Basically it was an internal matter and the Moose was at a disadvantage. Mr. Grant, a licensee did not appear as they believe he had a heart attack and may be in the hospital. The Board decided to go forward with the Violation.

The findings of fact were as follows: 1. Licensees did fail to file their renewal by March 31, 2011? The Board did find that they failed to file their renewal. 2. Did the licensees file their renewal by April 25, 2011? The Board agreed that the licensees filed their renewal on April 25, 2011, making the filing of the renewal 25 days late.

Ms. Vahle stated the prior history was in 1942 when a fire destroyed all the records of the Liquor Board from 1933 thru 1942. The license was issued prior to 1943. There was a Conference in 1944 for Selling to Intoxicated Persons and Disturbing the Peace and the Board gave them a warning. March 26, 1952, they were found guilty of Gambling and the license was suspended for 10 days.

MOTION ONE: Mr. Cline made a motion for a fine of \$500 for filing the renewal 10 days late and eliminate the 15 days because it is a non-profit club.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

Mr. Zimmerman stated he would like the Minutes to reflect for the Moose Club that the decision to reduce the fine from 25 to 10 days was made not only because they are a nonprofit but also because of the circumstances that made them unable to elect new officers Mr. Cline agreed to include this reason.

6. Decision Required: Violation

RE: Kamran Youssefieh, Mansoor
Anvari & Charles Morgan II
For the use of Spring Ridge
Petro, LLC
t/a Spring Ridge Exxon
6067 Spring Ridge Parkway
Frederick, Maryland 21701

Class A, Off Sale, Beer & Light Wine
Sunday Permit
License Number 11AW 1044 SU
Case # 5192

The Board held a violation hearing on a charge that the licensees did not file their renewal application until April 12, 2011. This was twelve calendar days late. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensee pled Guilty. Mr. Morgan, a licensee did not appear due to a death in the family, also Mr. Anvari, a licensee did not appear as he was out of town. Mr. Youssefieh stated he would like to pay the fine for the late filing of the application in lieu of the Hearing.

MOTION ONE: Mr. Cline made a motion for a new violation for the charge of Failure to Appear and to allow him to pay the fine in lieu of a Hearing.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. **Redman's Club** – This establishment met with the Board for a conference regarding that there may have been incidents of over serving alcoholic beverages to patrons. Mr. Elliott stated he spoke to his staff and transferred the bartender responsible for over serving to work Saturday evenings only. The Board advised these licensees that they are responsible for anything that happens in the club and will be held accountable if there is a violation.
8. Decision Required: *Public Meeting Minutes of September 19, 2011*

Mr. Cline stated he would like the Minutes to reflect the fact that the fines for \$400 were suspended due to the longevity of each establishment the Old Farm and the Plus Mart II, one for 18 years and one for 14 years without a violation. Mr. Zimmerman stated he would like the Motion regarding Firestones to state the reason he made the Motion was because no licensee is allowed to offer

alcohol at a set price Section 6.13(b) and they were offering “bottomless mimosas” for \$15.

ADJOURN

The meeting was adjourned at 9:48 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees